

ORDINANCE NO. 2001 - 093

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR COUNTY INITIATED LERIVAGE PUD NOTES SITE SPECIFIC AMENDMENT: 01-106 NOTE 1, MODIFYING PAGE 106 OF THE FLUA BY NOTING APPROXIMATELY 28.51 ACRES OF LAND, LOCATED ON THE NORTHEAST CORNER OF CLINT MOORE ROAD AND LYONS ROAD, AS AN AGRICULTURAL PRESERVE AREA; 01-106 NOTE 2, MODIFYING PAGE 106 OF THE FLUA BY NOTING APPROXIMATELY 9.18 ACRES OF LAND, LOCATED ON THE NORTHEAST CORNER OF CLINT MOORE ROAD AND LYONS ROAD, AS A BUILDABLE AREA; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

**WHEREAS**, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

**WHEREAS**, the Palm Beach County Local Planning Agency conducted its public hearings on June 15, 22 and July 13, 2001 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on August 14, 2001 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, Palm Beach County received on November 5, 2001 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated November 2, 2001 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, the written comments submitted by the Department of Community Affairs contained no objections to the amendments contained in this ordinance;

WHEREAS, on December 5, 2001 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendments comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the Future Land Use Atlas of the Land Use  
Element of the 1989 Comprehensive Plan

The following amendments to the Land Use Element's Future Land Use Atlas are hereby adopted and attached to this Ordinance:

A. Future Land Use Atlas page 106 is amended as follows:

Application No.: 01-106 NOTE 1 (LeRivage PUD Notes, Preserve Area)

**Amendment:** Identify as an Agricultural Preserve Area;

**General Location:** Northeast corner of Clint Moore Road and  
Lyons Road;

**Size:** Approximately 28.51 acres;

B. Future Land Use Atlas page 106 is amended as follows:

Application No.: 01-106 NOTE 2 (LeRivage PUD Notes, Buildable Area)

**Amendment:** Identify as a Buildable Area;

**General Location:** Northeast corner of Clint Moore Road and  
Lyons Road;

**Size:** Approximately 9.18 acres;

## Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

### Part III. Severability



1 If any section, paragraph, sentence, clause, phrase, or word of  
2 this Ordinance is for any reason held by the Court to be  
3 unconstitutional, inoperative or void, such holding shall not affect  
4 the remainder of this Ordinance.

5 Part IV. Inclusion in the 1989 Comprehensive Plan

6 The provision of this Ordinance shall become and be made a part  
7 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the  
8 Ordinance may be renumbered or relettered to accomplish such, and the  
9 word "ordinance" may be changed to "section," "article," or any other  
10 appropriate word.

11 Part V. Effective Date

12 The effective date of this plan amendment shall be the date a  
13 final order is issued by the Department of Community Affairs or  
14 Administration Commission finding the amendment in compliance in  
15 accordance with Section 163.3184, Florida Statutes, whichever occurs  
16 earlier. No development orders, development permits, or land uses  
17 dependent on this amendment may be issued or commence before it has  
18 become effective. If the Administration Commission issues a final  
19 order of noncompliance, this amendment may nevertheless be made  
20 effective by adoption of a resolution affirming its effective status,  
21 a copy of which resolutions shall be sent to the Department of  
22 Community Affairs, Bureau of Local Planning, 2555 Shumard Oak  
23 Boulevard, Tallahassee, Florida 32399-2100.

24 APPROVED AND ADOPTED by the Board of County Commissioners of  
25 Palm Beach County, on the 5 day of December, 2001.

26  
27 ATTEST:  
28 DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY COMMISSIONERS

29  
30  
31 BY [Signature]  
32 Deputy Clerk

By [Signature]  
Warren H. Newell, Chairman

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34 APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
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COUNTY ATTORNEY

41 Filed with the Department of State on the 14th day  
42 of December, 2001

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EXHIBIT 1

A. Future Land Use Atlas page 106 is amended as follows:

Amendment No.: 01-106 NOTE 1 (LeRivage PUD Notes, Preserve Area)

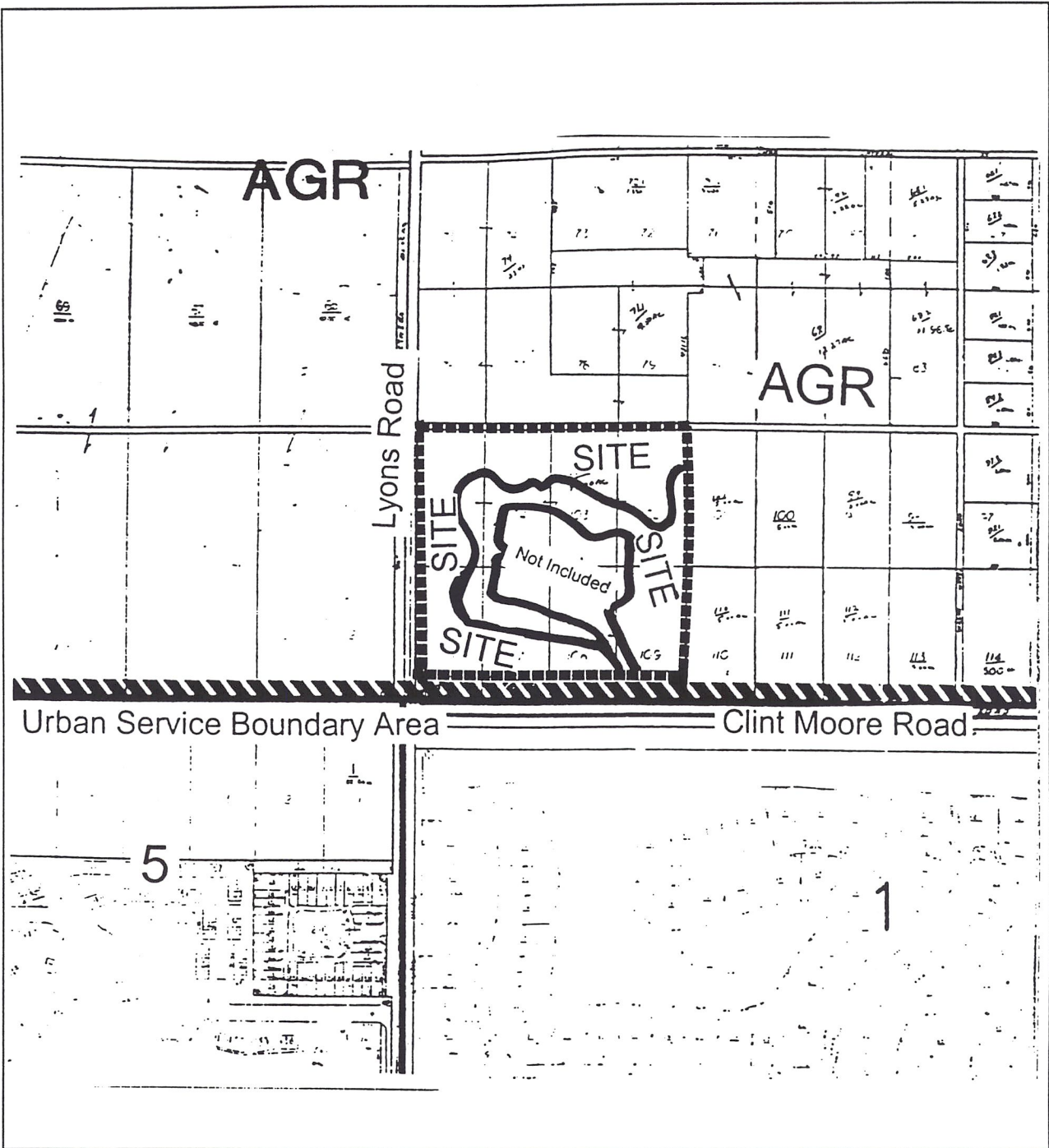
Amendment: Identify as an Agricultural Preserve Area

Location: Northeast corner of Clint Moore Road and Lyons Road

Size: Approximately 28.51 acres

Property No.: 00-42-43-27-05-071-1020

Conditions: None



B. Future Land Use Atlas page 106 is amended as follows:

Amendment No.: 01-106 NOTE 2 (LeRivage PUD Notes, Buildable Area)

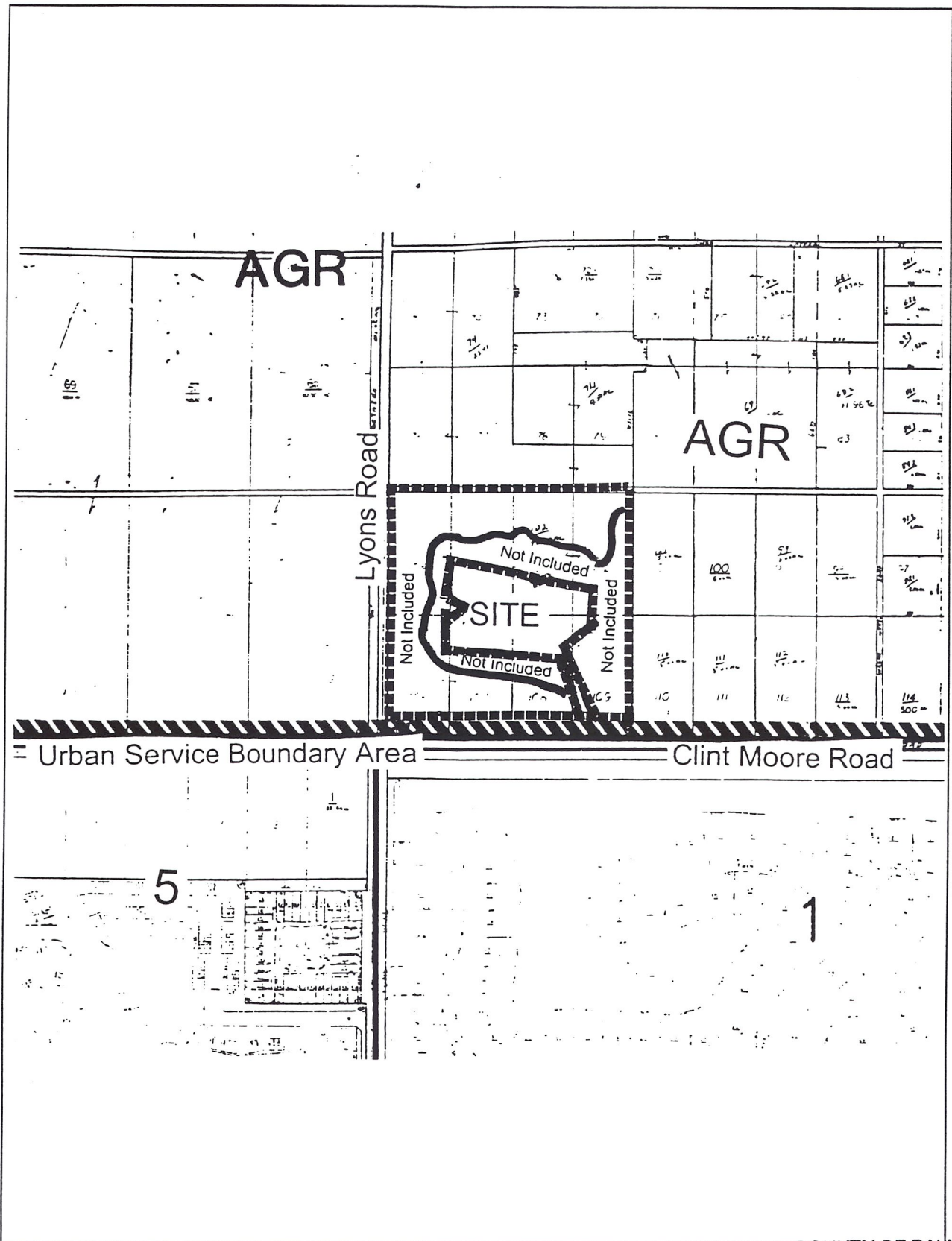
Amendment: Identify as a Buildable Area

Location: Northeast corner of Clint Moore Road and Lyons Road

Size: Approximately 9.18 acres

Property No.: 00-42-43-27-05-071-1020

Conditions: None



STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners certify this to be a  
true and correct copy of the original filed in my office  
on 11/06/2001  
DATED at West Palm Beach, FL on 12/31/11  
DOROTHY H. WILKEN, Clerk  
By: William Brown D.C.